

FILED

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

AO 91 (Rev. 11-11) Criminal Complaint

## UNITED STATES DISTRICT COURT

JAN 07 2019

for the

District of New Mexico

United States of America

v.

JOSE RAEI

Case No.

19mj37

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 5, 2019 in the county of Santa Fe in the  
District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

Title 18 U.S.C. Section 875(c)

Threats via Interstate Communications

This criminal complaint is based on these facts:

See Attached.

☒ Continued on the attached sheet.Electronically submitted  
and telephonically sworn to me.~~Sworn to before me and signed in my presence.~~

Date:

January 7, 2019 at 3:35 pm

City and state:

Albuquerque, New Mexico



Complainant's signature

Emily Fertitta, Special Agent, FBI

Printed name and title



Judge's signature

Honorable Karen B. Molzen, US Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA	)
	)
VS.	)
	)
JOSE RAEL	)
YEAR OF BIRTH: 1974	)

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Emily Fertitta, being duly sworn, depose and say as follows:

1. I am a Special Agent ("SA") of the Federal Bureau of Investigation ("FBI"). I am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C). I am authorized to investigate violations of Federal criminal law and possess the authority to execute warrants issued under the authority of the United States. During my employment with the FBI, I have conducted numerous investigations for suspected violations of federal law, including participation in violent felony investigations.
2. This affidavit is submitted in support of an application for an arrest warrant for Jose RAEL (hereinafter RAEL). There is probable cause to believe that RAEL committed

a felony related to a violation of Title 18 U.S.C. § 875(c) – Threats via Interstate Communications.

3. The information set forth in this affidavit has been derived from my own investigation, or communicated to me by other sworn law enforcement officers or from other sources.
4. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included all known facts concerning this investigation. I have set forth only the facts that are believed necessary to establish probable cause to support an arrest warrant regarding violations of Title 18 U.S.C. § 875(c) – Threats via Interstate Communications.

#### **PROBABLE CAUSE**

##### **The Threat**

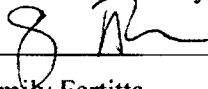
5. On or about January 5, 2018, the FBI Public Access Line (PAL) received a call from a male subject who identified himself as Jose RAEL (hereinafter RAEL). RAEL stated on a recorded line that he is being surveilled by Santa Fe Police Department, Santa Fe County Sherriff's Department and Agents of the Drug Enforcement Agency (DEA). RAEL further advised he utilized a "STINGRAY" (an electronic countermeasures device) to perform counter-surveillance on officers following him.
6. RAEL stated that if one of "these people" (Law Enforcement) come near me again, my constitutional rights are to protect myself against any enemy, foreign or domestic."

7. RAEL went on to state he had the right to "free arm carry," has "more guns than the FBI," and that if they (Law Enforcement), come and "violate" him again "and come against me as an enemy," he had the "right to defend" himself "against any enemy, foreign or domestic."
8. RAEL also stated he had the right to protect himself against "Law Enforcement that is illegally tapping my phone; that is illegally following me around - and I've already warned them." RAEL then stated, "It's a warning" multiple times, and, "I'm the boss, I'm the fucking boss, I'm the boss! I've got more guns than motherfucker!"
9. RAEL later stated that he suffers from PTSD, and if he has cops following him around all the time, harassing him, and possibly trying to kill him. "maybe, I don't know, somebody may get shot. Somebody may die."
10. RAEL stated that if anybody were to threaten him, he would shoot at them, "whoever it is - any enemy, foreign or domestic."
11. RAEL contacted the FBI from telephone number 505-577-9554. RAEL gave the same number to the PAL personnel as his contact number. RAEL stated that the number was his cellphone number. Open source research indicates that number resolves to a cellphone line belonging to Jose RAEL. The address associated with the cellphone is also the address listed on RAEL's New Mexico state records.
12. RAEL has a criminal history that includes arrests for: Assault on a Police Officer, March 2006; Trafficking Controlled Substances (manufacturing), May 2013; Two (2) counts of Assault with a Deadly Weapon in February 2017. As well as other offenses.

Interstate Communications

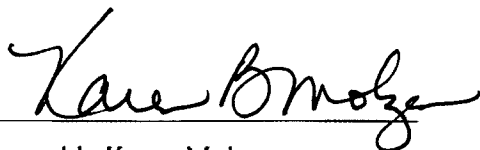
13. Based on the information set forth in this affidavit, I submit that there is probable cause to believe that Jose RAEL did unlawfully commit a felony by making threats to law enforcement via telephone to the FBI Public Access Line. The FBI PAL is located in Clarksburg, West Virginia. RAEL contacted the PAL line from telephone number 505-577-9554, a New Mexico number as identified by its New Mexico area code prefix of 505. Thereby, the threatening call was made utilizing interstate communications.
14. I further submit that the aforementioned threats were made in violation of Title 18 U.S.C. § 875(c) – Threats via Interstate Communications.
15. On January 7, 2019, AUSA Jack Burkhead reviewed and approved this affidavit.

I swear that this information is true and correct to the best of my knowledge.

  
\_\_\_\_\_  
Emily Fertitta  
Special Agent  
Federal Bureau of Investigation

*Electronically submitted  
and telephonically sworn*

Subscribed and sworn to before me this 7<sup>th</sup> day of January, 2019.

  
\_\_\_\_\_  
Honorable Karen Molzen  
United States Magistrate Judge